

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Jamal Ibn Smalls, #86972,)	Civil Action No.: 8:08-2179-HFF-BHH
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
)	
Detention Officer M. Smith,)	
)	
Defendant.)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On August 21, 2008, the plaintiff was mailed a copy of the docket sheet after the filing of a change of address. On September 2, 2008, the envelope containing the docket sheet was returned to the court marked "return to sender/Refused/Unable to forward and unknown" as the plaintiff is apparently no longer incarcerated at the Wateree River Correctional Institution.

The record reveals that the plaintiff was advised by order dated June 30, 2008, of his responsibility to notify the court *in writing* if his address changed. As the plaintiff is proceeding pro se, an Order was issued on October 6, 2008, giving the plaintiff through October 20, 2008, to provide the court with a current address. The enveloped containing this Order was returned on October 14, 2008, as undeliverable.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v.*

Lopez, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks
United States Magistrate Judge

October 21, 2008

Greenville, South Carolina